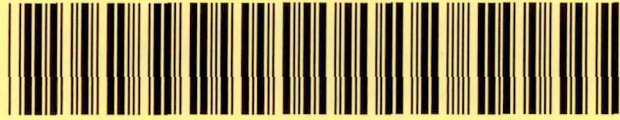


1070IHSSF3084



DocumentID NONCD0002881

Site Name ARDEE/TRANSLITE

DocumentType Correspondence (C)

RptSegment

DocDate 5/15/2013

DocRcvd 5/15/2013

Box SF3084

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY

DeCarlo, Donna M

From: Oliphant, Dave <DAVE.OLIPHANT@aecom.com>
Sent: Wednesday, May 15, 2013 5:16 PM
To: DeCarlo, Donna M
Cc: Oliphant, Dave
Subject: RE: REC- program

Yes, we got the letter. And the RP is in process of applying. The final CA has been written; I am an approved RSM and have been to Raleigh to attend Kim Caulk's training session. Client is current getting the CA signed.

Thanks.

Dave Oliphant
AECOM, Consultant for Genlyte Thomas Group

From: DeCarlo, Donna M [<mailto:Donna.DeCarlo@ncdenr.gov>]
Sent: Wednesday, May 15, 2013 5:09 PM
To: Oliphant, Dave
Subject: REC- program

I have found a REC eligibility letter for this site dated Jan 29, 2013 in our electronic file but have not been able to confirm it was sent. Did you get it, and if so Have you applied?

Donna M. DeCarlo
North Carolina Dept. of Environment & Natural Resources
Division of Waste Management / Inactive Hazardous Sites
610 E. Center Ave., Suite 301
Mooresville, NC 28115
Phone: (704) 663-1699 Fax: (704) 663-6040

E-mail correspondence to and from this address may be subject to the
North Carolina Public Records Law and may be disclosed to third parties.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>Jessica Quirk</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mr. Jesse Overgood Corporate Contact Genlyte Thomas Group, LLC PO Box 88 Lock Haven, PA 17745 <i>1-29-13</i> <i>14W-DD</i></p>		<p>B. Received by (Printed Name) <i>Jessica Quirk</i> C. Date of Delivery <i>2.4.13</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>(Transfer from, or use label)</p>		<p>7007 0710 0005 2882 2858</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1540</p>	

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DENR DWM
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14W-DD

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Mr. Jesse Overgood
Corporate Contact
Genlyte Thomas Group, LLC
PO Box 88
Lock Haven, PA 17745

1HW-DD

PS Form 3800, August 2006

See Reverse for Instructions



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

CERTIFIED MAIL
Return Receipt Requested

January 29, 2013

Mr. Jesse Overgord, Corporate Contact, Genlyte Thomas Group, LLC
PO Box 88
Lock Haven, PA 17745

Re: **NOTICE OF REC PROGRAM ELIGIBILITY**
Ardee Translite
639 Washburn Switch Road
Shelby, Cleveland County, NC
NONCD00002881

Dear Mr. Overgord:

Thank you for submitting the Site Cleanup Questionnaire (Questionnaire), sampling results, and additional information for the above subject site (Site) on behalf of Genlite Thomas Group LLC. The Branch has completed review of the Questionnaire and the other information provided, and determined that the Site can be cleaned up through the REC ("Registered Environmental Consultant") Program without direct oversight by Branch Staff.

Note that, if you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the Inactive Hazardous Sites Response Act ("IHSRA").

Under the IHSRA, to receive approval of the assessment and cleanup at the Site, you must enter into an administrative agreement with the Branch. Since the Branch has determined that the Site can be cleaned up through the REC Program, execution of an REC-Administrative Agreement (REC-AA) is required. The procedures for entering into an REC-AA are attached. If you have any questions regarding these procedures or the REC Program, please contact the REC Program Manager, Kim Caulk, at (919) 707-8350 or visit the REC Program website at <http://portal.ncdenr.org/web/wm/sf/ihs/recprogram>.

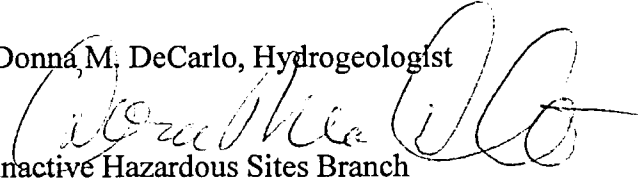
If we do not receive a response from you within the next 60 days indicating your willingness to enter an REC-AA, the Branch will take further action to prioritize the Site. Failure to take the initial abatement steps required

in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to N.C.G.S. 130A-310.3 to compel assessment and cleanup. In addition, if you choose not to conduct a cleanup voluntarily, the site may be referred to the United States Environmental Protection Agency (EPA). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act.

If you have additional questions about the requirements that apply to your site, please contact me at (704) 235-2166 or email me at donna.decarlo@ncdenr.gov

Sincerely,

Donna M. DeCarlo, Hydrogeologist



Inactive Hazardous Sites Branch
Superfund Section

Enclosure: REC-AA Procedures

cc: Mr. David R. Oliphant, CHMM
AECOM Technical Services, Inc.
10 Patewood Drive, Suite 500
Greenville, South Carolina 29615

RECEIVED

FEB 20 2012

NC DENR MRO/IHSB

Site Cleanup Questionnaire

Remediating parties interested in volunteering should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved remedial actions. Answer all questions, based on current information, and provide written descriptions where needed.

NC DENR Site Name, City and County Ardee/Translite, Shelby, Cleveland County

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations? ☒ Y ☐ N
If yes, please explain on a separate page.
2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a map showing the site and nearest residence, school or daycare center. Adjacent
3. Is the site completely surrounded by a locked fence? ☐ Y ☒ N
If no, please explain security measures at the site on a separate page.
4. Are site surface soils known to be contaminated? ☐ Y ☒ N
If yes, or unknown, describe briefly on a separate page.
5. Is site groundwater known to be contaminated? ☒ Y ☐ N
If yes, or unknown, describe briefly on a separate page.
6. Is site sediment or surface water known to be contaminated? ☐ Y ☒ N
If yes, or unknown, describe briefly on a separate page.
7. Has groundwater contamination affected any drinking water wells? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.
8. What is the distance to the nearest downgradient drinking water well? Unknown
9. What is the distance to the nearest downstream surface water intake? Unknown
10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.
11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.
12. Has the local community expressed concerns about contamination at the site? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.
13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB "Guidelines for Assessment and Cleanup" at <http://portal.ncdenr.org/web/vm/sf/sfavailabledocs>)? ☐ Y ☒ N
If yes, or unknown, please explain on a separate page.

14. Based on current information, has contamination from the site migrated into any sensitive environments?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes?

☐ Y ☒ N

If yes, or unknown, please explain on a separate page.

Remediating Party Certification Statement

After first being duly sworn or affirmed, I, Michael L. Manning, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.



(Signature of Remediating Party Representative)

2/15/12

(Date)

Michael L. Manning, Vice President and General Counsel

(Printed Name and Title of Remediating Party Representative)

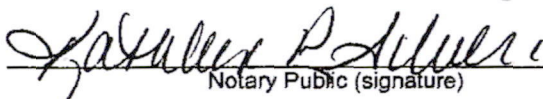
Genlyte Thomas Group LLC

(Printed Name of Company)

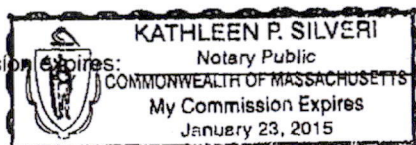
STATE OF Massachusetts
COUNTY OF Middlesex

I, Kathleen P. Silveri, a Notary Public of said County and State, do hereby certify that Michael L. Manning, Vice President and General Counsel personally appeared before me this day, produced proper identification in the form of MA License, was duly sworn and/or affirmed, and declared that he or she is the owner of the property referenced above or is a duly authorized agent of said owner and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 15 day of February, 2012


Notary Public (signature)

My commission expires:



(OFFICIAL SEAL)

Environmental Consultant Certification Statement

After first being duly sworn or affirmed, I, David R. Oliphant, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

David R. Oliphant

(Signature)

2-17-12

(Date)

David R. Oliphant, CHMM

(Printed Name)

AECOM Technical Services, Inc.

(Printed Name of Environmental Consultant)

STATE OF South Carolina

COUNTY OF Greenville

I, Donna H. Eidson, a Notary Public of said County and State, do hereby certify that David R. Oliphant personally appeared before me this day, produced proper identification in the form of SC license, was duly sworn and/or affirmed, and declared that he or she is an environmental consultant for the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 17th day of February, 2012

Donna H. Eidson

Notary Public (signature)

(OFFICIAL SEAL)

My commission expires: 8/31/19

Addendum to Site Cleanup Questionnaire

Ardee/Translite, 639 Washburn Switch Road, Shelby, NC

February 2012

Question 1: The Ardee/Translite site is located immediately adjacent to the residential property owned by Rosa M. Jamerson, heirs (see Attachments 1A and 1B).

Question 2: See answer to Question 1. According to a site drive by in January 2012, there are painted markings on the pavement curbs at most (if not all) of the parcels near to the Ardee/Translite property, indicating city water hookup (see Attachment 2).

Question 3: The site is not surrounded by a locked fence. Security measures include locking the building after work hours, security cameras, and visitor sign in and sign out.

Question 4: A Phase II Environmental Site Assessment (ESA) was conducted in 2011 at this site. During the Phase II ESA, no surface soil contamination was found (see excerpt from report included as Attachment 3). Additional on-site soil sampling was performed in mid-January 2012. The data should be available by mid-February. After those data are reviewed, the answer to this question will be updated if needed.

Question 5: A Phase II ESA was conducted in 2011 at this site. During the Phase II ESA, exceedences of the North Carolina 2L standards were found in two of the samples analyzed. The summary table from Section 4.2 of the Phase II ESA Report (included as Attachment 4) identifies the constituents exceeding the 2L standards. It should be noted that no VOCs were detected in the two groundwater samples collected nearest to the property boundaries (at sampling points TW-1 and TW-5).

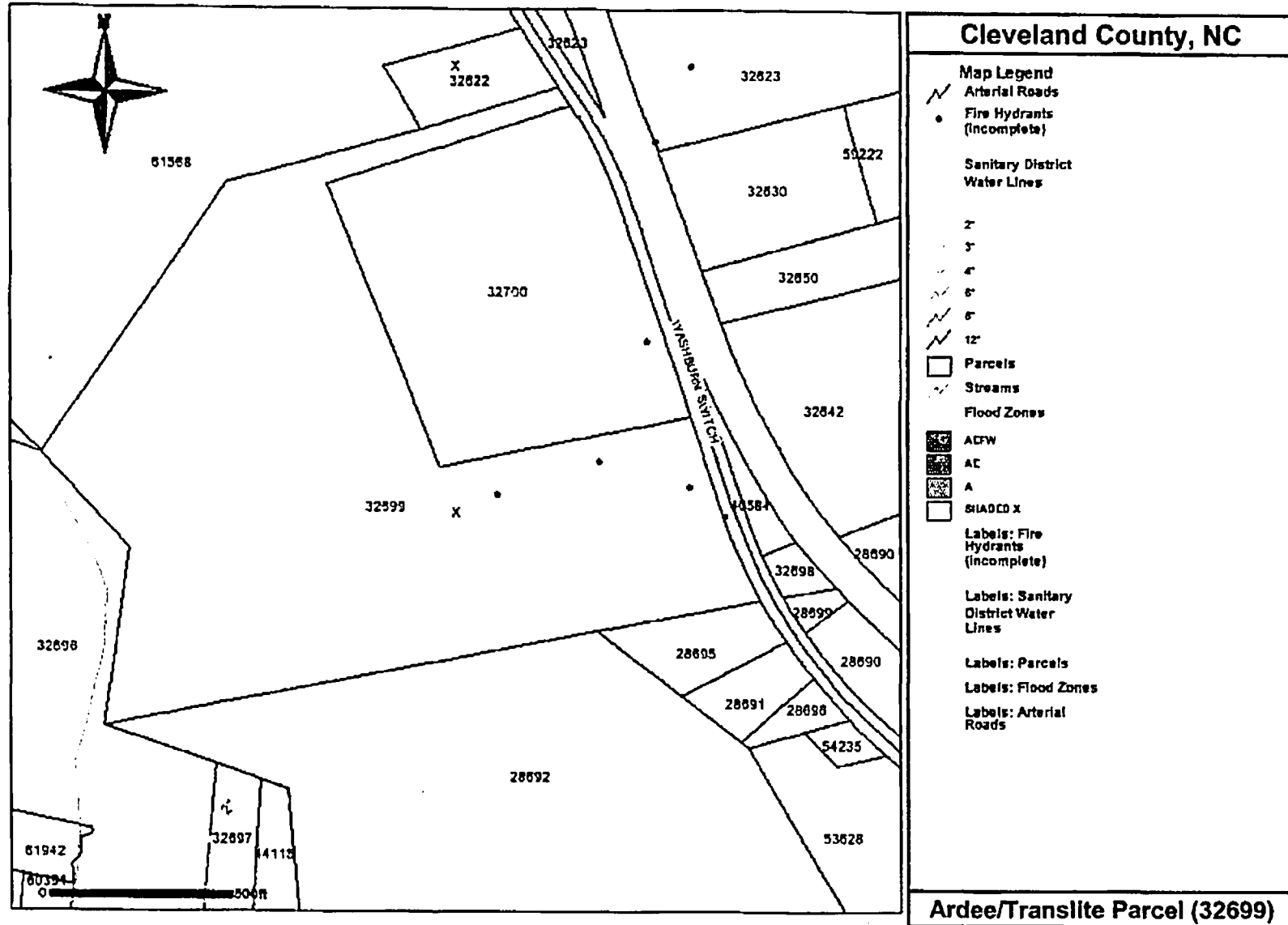
Question 8: The distance to the nearest drinking water well is unknown. A January 2012 drive by of the parcels along Washburn Switch Road topographically downgradient of the Ardee/Translite site indicated that most (if not all) of the parcels had paint markings along the curb (see Attachment 2), indicating hook ups to a public water supply.

Question 9: The distance to the nearest surface water intake is unknown, but based on the size of the creek in the downgradient (southwest) direction of the site (see creek location in Attachment 1A), no surface water intake is known to be close to the Ardee/Translite site.

Question 11: A Phase II ESA was conducted in 2011 at this site. No VOCs were detected in the two groundwater samples collected nearest to the property boundaries (see Attachment 4). Permanent groundwater monitoring wells were installed on site in mid-January 2012; groundwater data should be available by the end of February. After those data are reviewed, the answer to this question will be updated if needed.

ATTACHMENT 1A

CLEVELAND COUNTY WEB SITE INFORMATION REGARDING THE ARDEE/TRANSLITE PARCEL



DISCLAIMER: The information contained on this page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed.

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andasoc.com>

WebGIS.net

quicksearch

Cleveland County, North Carolina

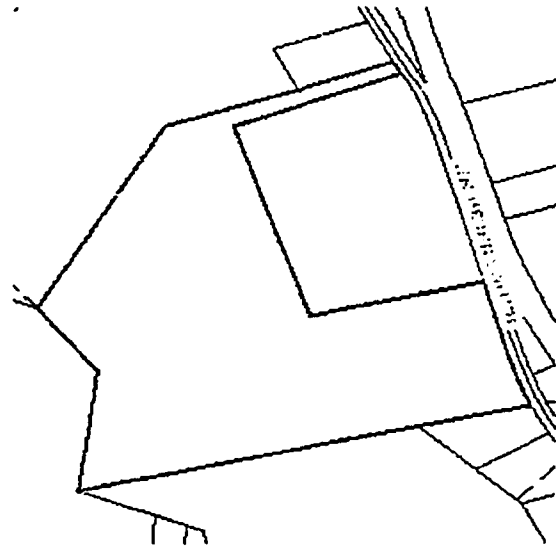
Parcels: Record Details

GIS Owner: JJI LIGHTING GROUP INC
GIS Owner2: T/A SPECIALTY LIGHTING
GIS Deed Reference: 0 0
GIS Deeded Acres: 36.972000000000
Calculated Acres: 36.35087944340

Parcel No.: 32699
Parcel Address: 639 WASHBURN SWITCH

Owner Name 1: JJI LIGHTING GROUP I
Owner Name 2: T/A SPECIALTY LIGHTING
Owner Address: 639 WASHBURN SW RD
Owner City: SHELBY
Owner State: NC
Zip: 28150

Map Number: 3294
Block: 1
Lot: 49
Acres: 36.972000000000001
D.B.: 0
Pg.: 0
Building Value: 2565999
Land Value: 456931
Total Value: 3022930
Tax Year: 2012

**Disclaimer:**

The information contained on this site is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained hereon does not replace information that may be obtained by consulting the information's official source. In no event shall Cleveland County, NC or the consultants of Cleveland County, NC be liable for any damages, direct or consequential, from the use of the information contained on this site.

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ATTACHMENT 1B

CLEVELAND COUNTY WEB SITE INFORMATION REGARDING THE PARCEL ADJACENT TO ARDEE/TRANSLITE

WebGIS.net

quicksearch

Cleveland County, North Carolina

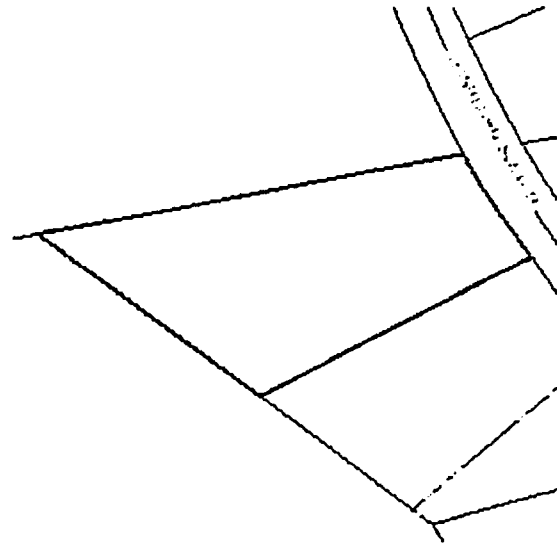
Parcels: Record Details

GIS Owner: JAMERSON ROSA M HEIRS
GIS Owner2: % CHARLES E JAMERSON
GIS Deed Reference: 13V 503
GIS Deeded Acres: 1.700000000000
Calculated Acres: 1.65922211239

Parcel No.: 28695
Parcel Address: 635 WASHBURN SWITCH

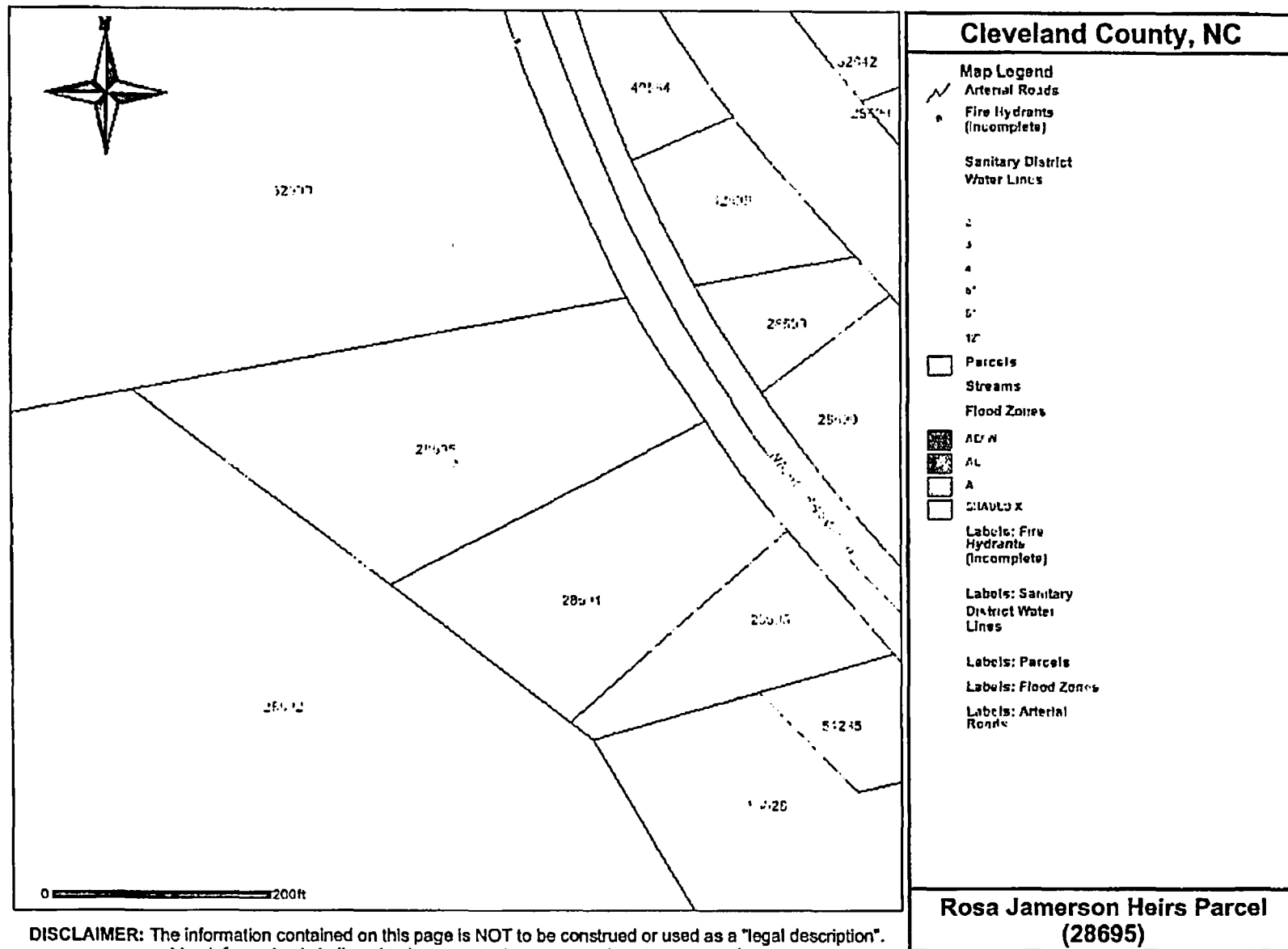
Owner Name 1: JAMERSON ROSA M HEI
Owner Name 2: % CHARLES E JAMERSON
Owner Address: 831 N MORGAN ST
Owner City: SHELBY
Owner State: NC
Zip: 28150

Map Number: 6-99
Block: 1
Lot: 10
Acres: 1.7
D.B.: 13V
Pg.: 503
Building Value: 17832
Land Value: 24549
Total Value: 42381
Tax Year: 2012

**Disclaimer:**

The information contained on this site is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained hereon does not replace information that may be obtained by consulting the information's official source. In no event shall Cleveland County, NC or the consultants of Cleveland County, NC be liable for any damages, direct or consequential, from the use of the information contained on this site.

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ATTACHMENT 2

FIELD REPORT REGARDING DRIVE BY OF NEARBY PARCELS: JANUARY 2012

Oliphant, Dave

Subject: FW: Cleveland County Info link

From: Law, Mciver
Sent: Wednesday, January 11, 2012 7:30 PM
To: Oliphant, Dave
Subject: Cleveland county info links for well survey

Dave

Also, I drove around the area today and noticed that most (if not all) of the properties had the white or blue water lines marked on the road ways (by the county) where the municipal water lines enter the properties. So, it looks like everyone is on municipal water.

Here's the link to the Cleveland county GIS system <http://arcims2.webgis.net/nc/cleveland/> which you can zoom into the site area and click on properties within the one mile area around the site to get their addresses.

ATTACHMENT 3

SOIL SUMMARY TABLE FROM PHASE II ESA REPORT, 2011

4.0 Investigation Results

4.1 Soil Analytical Results

A summary of the field and laboratory analytical results for the soil samples submitted for laboratory analysis are presented below. A copy of the laboratory report is included in Appendix C.

**Summary of Organic Vapor (Field Screening) and VOC (Laboratory) Soil Results
Samples Collected on August 25, 2011**

Boring/Sample ID	Soil sample ID and sample depth	Maximum organic vapor concentrations (ppm), field result	Concentrations of Detected VOCs (µg/kg)
SB-1	SB-1, 6 - 8 feet bgs, SB-1MS, SB-1MSD (QA/QC samples)	0.7	No VOCs detected
SB-2	SB-2, 8 - 10 feet bgs	32.5	4-methyl-2-pentanone (5.7BJ/B/K)
SB-3	No sample collected for lab analysis	0.5	No sample collected for lab analysis
SB-4	No sample collected for lab analysis	0.0	No sample collected for lab analysis
SB-5	No sample collected for lab analysis	0.0	No sample collected for lab analysis

Notes:

ppm – parts per million

µg/kg – micrograms per kilogram

B – constituent detected in the laboratory method blank and therefore deemed to be a laboratory artifact

J – estimated concentration, less than practical quantitation limit (PQL) but greater than or equal to method detection limit (MDL)

K – detected in the sample at a concentration less than or equal to five times the concentration detected in the associated method blank; professional judgment must be used to determine if the detection is site-related

As indicated above, only two soil samples were collected for laboratory analysis. At boring SB-2, the maximum organic vapor concentration of 32 ppm exceeded the threshold vapor concentration of 5 ppm, so a soil sample was collected at the depth interval with the highest

ATTACHMENT 4

GROUNDWATER SUMMARY TABLE FROM PHASE II ESA REPORT, 2011

**Summary of VOC (Laboratory) Groundwater Results
Samples Collected on August 25-26, 2011**

Temporary Well ID	Groundwater sample ID and well screen depth	Concentrations of Detected VOCs (µg/L)	North Carolina 2L Groundwater Standard (µg/L)	Exceeds the 2L Standard?
TW-1	TW-1, 22 – 27 feet bgs, TW-1MS, TW-1MSD (QA/QC samples)	chloromethane (methyl chloride) (0.51J)	3	No
TW-2	TW-2, 27 – 37 feet bgs	Benzene (0.26J); chloroform (13); 1,1-DCA (4.4J); 1,2-DCA (2.0J); 1,1-DCE (250); cis-1,2-DCE (1.2J), PCE (19); 1,1,1-TCA (0.36J); TCE (5.5);	1 70 6 0.4 7 70 0.7 200 3	No No No Yes Yes No Yes No Yes
TW-3	TW-3, 22 - 25 feet bgs	PCE (6.0);	0.7	Yes
TW-4	Well dry, not sampled	No sample collected for lab analysis		
TW-5	TW-5, 15 - 21 feet bgs	No VOCs detected		

Notes:

µg/L – micrograms per liter

J – estimated concentration, less than practical quantitation limit (PQL) but greater than or equal to method detection limit (MDL)

DCA – dichloroethane

DCE – dichloroethene

PCE – tetrachloroethene (perchloroethene)

TCA – trichloroethane

TCE – trichloroethene

The analytical results were compared with the North Carolina 2L groundwater standards (15A NCAC 2L.0202). As indicated above, the only samples in which the 2L standards were exceeded were those collected from wells TW-2 and TW-3. The primary constituent detected was PCE and its degradation products of TCE; 1,1-DCE; and cis-1,2-DCE (Montgomery and Welkom, 1990). PCE was detected slightly above the 2L standard in groundwater from both the TW-2 and TW-3 monitoring wells. The secondary constituent detected was 1,1,1-TCA and its degradation products of 1,1-DCA, 1,2-DCA, and 1,1-DCE (Montgomery and Welkom, 1990). For the TW-2 groundwater sample, the 2L standards



FILE

North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

December 8, 2001

Jesse J. Overgord, Senior Project Manager
American Color & Chemical, LLC
1 Mount Vernon Street
PO Box 88
Lock Haven, PA 17745

Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT
AND CLEANUP**

**Ardee/Translite
639 Washburn Switch Road
Shelby, Cleveland County, NC
IHSB # Pending**

Dear Mr. Overgord:

We have received the "Notification of an Inactive Hazardous Substance or Waste Disposal Site" form with cover letter and two attachments, which reports that your site has been contaminated by one or more hazardous substances. Depending on the contaminants involved and whether the contaminants have impacted or may impact groundwater quality, you will be required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, et seq., applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to this office. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable wells or other high risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA.

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

The Branch has a privatized oversight arm of the voluntary cleanup program known as the Registered Environmental Consultant ("REC") program. Based on the responses provided on the questionnaire

(degree of hazard and public interest in the site), the Branch will determine whether a staff person or an REC will perform the oversight and approval of your assessment and cleanup action. Please note that having one or more of the conditions identified on the questionnaire does not necessarily preclude the site for qualifying for an REC-directed cleanup action.

Under the REC program, the volunteer hires an environmental consulting firm, which the State has approved as having met certain qualifications, to implement a cleanup and certify that the work is being performed in compliance with regulations. In other words, the REC's certifications of compliance are in place of direct oversight by the Branch. Details of the REC program can be found at <http://portal.ncdenr.org/web/wm/sf/ihs/recprogram>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 707-8350.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to N.C. Gen. Stat. § 130A-310.3 to compel assessment and cleanup.

V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at: <http://portal.ncdenr.org/web/wm/sf/ihs/home>.

Submit completed questionnaire to: Donna DeCarlo
Inactive Hazardous Sites Branch
610 East Center Avenue, Suite 301
Mooresville, NC 28115

All documents submitted to the Division in relation to this work must be provided in both paper and in an electronic format designated by the Division (see the Inactive Hazardous Sites Branch website

located at <http://portal.ncdenr.org/web/wm/sf/ihshome> for current specifications on electronic document submittal).

Per our phone discussion this morning, you will arrange to have a hard copy and electronic copy of the Phase II report submitted to this office as described above. If you have any questions about the requirements that apply to your site, please contact me at (704) 663-1699, or email me at donna.decarlo@ncdenr.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Marie DeCarlo". The signature is fluid and cursive, with the first name "Donna" being the most prominent.

Donna Marie DeCarlo, Hydrogeologist
Inactive Hazardous Sites Branch
Superfund Section

cc: Michael Manning
Genlyte Thomas Group LLC
3 Burlington Woods Drive
Burlington MA 01803